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7 *Attorneys for GOOGLE LLC*

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 GOOGLE LLC,

12 Plaintiff,

13 vs.

14 SONOS, INC.,

15 Defendant.

CASE NO. 3:20-cv-06754-WHA

Related to CASE NO. 3:21-cv-07559

**DECLARATION OF MARC KAPLAN IN
SUPPORT OF GOOGLE LLC'S BRIEF
SHOWING CAUSE WHY THE COURT
SHOULD NOT ENTER SUMMARY
JUDGMENT *SUA SPONTE* OF VALIDITY
OF THE '885 PATENT**

1 I, Marc Kaplan, declare and state as follows:

2 1. I am an attorney licensed to practice in the State of Illinois and have been admitted *pro*
3 *hac vice* in this matter. I am a partner at Quinn Emanuel Urquhart & Sullivan LLC representing
4 Google LLC (“Google”) in this matter. I make this declaration in support of Google’s Brief Showing
5 Cause Why the Court Should Not Enter Summary Judgment *Sua Sponte* of Validity of the ’885 Patent
6 (“Brief Showing Cause”). If called as a witness, I could and would testify competently to the
7 information contained herein.

8 2. Attached as Exhibit 1 is a true and correct copy of an excerpt of the Rebuttal Expert
9 Report of Dr. Kevin C. Almeroth for “Patent Showdown” dated July 27, 2022.

10 3. Attached as Exhibit 2 is a true and correct copy of an excerpt of a document produced
11 by Google in these matters bearing the Bates number GOOG-SONOS-NDCA-00108095.

12 4. Attached as Exhibit 3 is a true and correct copy of an excerpt of the transcript from the
13 June 6, 2022 deposition of Robert Andrew Lambourne.

14 5. Attached as Exhibit 4 is a true and correct copy of Exhibit 1077 from the June 6, 2022
15 deposition of Robert Andrew Lambourne.

16 6. Attached as Exhibit 5 is a true and correct copy of Exhibit 1078 from the June 6, 2022
17 deposition of Robert Andrew Lambourne.

18 7. Attached as Exhibit 6 is a true and correct copy of the Opening Expert Report of Dr.
19 Dan Schonfeld Regarding Claim 1 of U.S. Patent No. 10,848,885 dated June 22, 2022.

20 8. Attached as Exhibit 7 is a true and correct copy of Exhibit 6 from the June 6, 2022
21 deposition of Robert Andrew Lambourne.

22 9. Attached as Exhibit 8 is a true and correct copy of Exhibit 8 from the June 6, 2022
23 deposition of Robert Andrew Lambourne.

24 10. Attached as Exhibit 9 is a true and correct copy of a document produced by Sonos in
25 these matters bearing the Bates number SONOS-SVG2-00026839.

26 11. Attached as Exhibit 10 is a true and correct copy of Provisional Patent Application
27 Appendix A.

28

ATTESTATION

I, Charles K. Verhoeven, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1(h)(3), I hereby attest that Marc Kaplan has concurred in the aforementioned filing.

/s/ Charles K. Verhoeven

Charles K. Verhoeven